

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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RONALD BERGMAN; et al.,

Plaintiffs,

v.

MICHAEL WHAN; et al.,

Defendants.

3:13-cv-0249-LRH-WGC

ORDER

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MICHAEL WHAN; et al.,

Third-Party Plaintiffs,

v.

CHRISTINA WASEF,

Third-Party Defendant.

Before the court is third-party defendant Christina Wasef's ("Wasef") emergency motion for an order shortening time for leave to amend her answer to assert counterclaims which the court shall construe as an emergency motion for leave to amend. Doc. #33.<sup>1</sup>

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<sup>1</sup> Refers to the court's docket number.

1 **I. Facts and Procedural History**

2 This action involves a fire at an apartment which killed two children. Plaintiff, the father of  
3 the children, brought suit against defendants, the owners of the apartment. Doc. #1. In response, the  
4 defendants filed an answer and third-party complaint against Wasef, the mother of the deceased  
5 children and the person renting the apartment. Doc. #10. Wasef filed her initial answer. Doc. #18.  
6 Thereafter, Wasef filed the present emergency motion to amend her answer to assert counterclaims  
7 before the statute of limitations runs out. Doc. #33.

8 **II. Discussion**

9 A party may amend its pleadings after a responsive pleading has been filed by leave of  
10 court. FED. R. CIV. P. 15(a)(2). Leave of court to amend should be freely given when justice so  
11 requires and when there is no undue delay, bad faith, or dilatory motive on the part of the moving  
12 party. *See Wright v. Incline Village General Imp. Dist.*, 597 F.Supp.2d 1191 (D. Nev. 2009); *DCD*  
13 *Programs, LTD v. Leighton*, 883 F.2d 183 (9th Cir. 1987).

14 Here, Wasef requests leave to amend her answer to assert counterclaims and add an  
15 additional defendant to this action. *See* Doc. #33. A copy of the proposed amended answer is  
16 attached to the reply in accordance with LR 15-1. Doc. #33, Exhibit 2.

17 The court finds that there is no undue delay, bad faith, or dilatory motive on behalf of  
18 Wasef in requesting leave to amend her answer. Further, the court finds that the matter is early in  
19 litigation and that the parties would not be prejudiced by allowing amendment. Accordingly, Wasef  
20 shall be granted leave to amend her answer.

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1 IT IS THEREFORE ORDERED that plaintiffs' motion for leave to file an amended  
2 complaint (Doc. #33) is GRANTED. Plaintiffs shall have three (3) days after entry of this order to  
3 submit the amended complaint attached as Exhibit 2 to the motion for leave to amend (Doc. #33,  
4 Exhibit 2).

5 IT IS SO ORDERED.

6 DATED this 25th day of February, 2014.

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8 LARRY R. HICKS  
9 UNITED STATES DISTRICT JUDGE  
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